

# BLANKROME

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December 9, 2022

**VIA ECF**

The Honorable John G. Koeltl  
United States District Judge  
United States District Court – S.D.N.Y.  
500 Pearl Street  
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,  
No. 1:15-cv-05345 (JGK) (KHP)**

Dear Judge Koeltl:

We represent Triadou SPV S.A. (“Triadou”) in the above-captioned matter and write to provide Triadou’s list of exhibits, together with BTA’s objections and Triadou’s responses for the Court’s consideration.

Thank you for your consideration.

Respectfully submitted,

/s/ Deborah A. Skakel  
Deborah A. Skakel

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and BTA  
BANK JSC,

Crossclaim Plaintiffs,

- against -

MUKHTAR ABLYAZOV, VIKTOR  
KHRAPUNOV, ILYAS KHRAPUNOV, and  
TRIADOU SPV S.A.,

Crossclaim Defendants.

ECF Case

No. 1:15-cv-05345 (JGK) (KHP)

**DEFENDANT TRIADOU SPV S.A.'S PROPOSED EXHIBITS, BTA BANK JSC'S  
OBJECTIONS, AND TRIADOU'S RESPONSES THERETO**

Defendant Triadou SPV S.A. ("Triadou") and Plaintiff BTA Bank JSC ("BTA") respectfully submit the following first list of exhibits to be offered through witnesses Triadou will call; BTA's objections to those exhibits; and Triadou's responses.

**I. Triadou Exhibits Identified for Witnesses BTA Will Call by Deposition Designation (December 7, 2022)**

<b>Triadou's Proposed Exhibits</b>	<b>BTA's Objections</b>	<b>Triadou's Response</b>
<b>Philippe Glatz</b>		
DTX 1	**	
DTX 2	On November 29, 2022, the Court ruled that this document was admissible not for the truth of the matter asserted. BTA does not object to its use for this non-hearsay purpose.	
DTX 3	**	
DTX 4	**	
DTX 5 (Admitted 12/2)	On November 29, 2022, the Court ruled that this document was admissible "subject to connection to establish that in fact it is a business record." BTA therefore maintains its objection pending Triadou laying foundation through this witness.	On December 5, 2022, the Court ruled that DTX 5 is admissible subject to a motion to strike. (192:25-193:1).
DTX 6	**	
DTX 9	**	
DTX 10	**	
DTX 11	**	
DTX 13	**	
DTX 14	**	
DTX 17	<u>Hearsay</u> : Presumably the purpose of this exhibit is to demonstrate that the Swiss Public Prosecutor was notified of the purported sale of SDG to Glatz. This exhibit should therefore be admitted subject to a limiting instruction. If Triadou intends to introduce this exhibit for some other purpose, BTA objects because this document contains hearsay that, if offered by Triadou, falls under no exception.	Triadou does not seek to offer DTX 17 for the truth. Rather, DTX 17 is admissible for purposes of notice and effect on the listener, specifically, what, if any, actions the prosecutor took in response. Triadou has no objection to a limiting instruction.
DTX 18	<u>Hearsay</u> : This document contains hearsay that, if offered by Triadou, falls under no exception.	DTX 18 is admissible for the fact that it was said and publicly issued. The document is not offered for the

		truth of the statements contained therein, the topics of which Mr. Glatz can testify about based on his personal knowledge.
DTX 19	<p><u>Hearsay</u>: This document contains hearsay that, if offered by Triadou, falls under no exception.</p> <p><u>FRE 403</u>: This document is an Auditor's report of PIDJI SA Chene-Bougeries ("PIDJI"), which is a holding company controlled by Mr. Glatz. This document contains no mention of Triadou, SDG, Mr. Glatz, or any other person or entity relevant to this litigation.</p>	<p>DTX 19 is admissible pursuant to FRE 803(6), for which Mr. Glatz can lay foundation.</p> <p>As BTA acknowledged, PIDJI is Mr. Glatz's holding company. The document is therefore directly relevant to his wealth and ability to finance the purchase of SDG.</p>
DTX 27	**	
DTX 41 (Admitted 12/1)		
DTX 44 (Admitted 12/2)		
DTX 81	**	
DTX 196 (Admitted 12/2)		
DTX 226	**	
DTX 227	**	
DTX 231	**	
DTX 269 (Admitted 12/5)		
DTX 297	**	
DTX 298	**	
DTX 366	<p><u>FRE 403</u>: These are the April 28, 2014, SDG Board Minutes. These minutes are confusing and prejudicial because they vaguely refer to an "investor" who was "willing to acquire the US assets of Triadou SPV SA," without identifying the investor, the terms of the purported acquisition, or explaining whether the acquisition materialized. This unidentified investor and purported acquisition have no bearing on the issues in this case.</p>	<p>PTX 366 is not confusing or prejudicial; Mr. Glatz can testify to the contents of the document and clarify any ambiguity.</p>

DTX 367	FRE 403: These are the May 1, 2014, SDG Board Minutes. These minutes are confusing and prejudicial because they discuss a separate dispute related to the sale of the Flatotel project, which has no bearing on whether Triadou invested in the Flatotel using BTA's stolen funds.	PTX 367 is not confusing or prejudicial; Mr. Glatz can testify to the contents of the document and clarify any ambiguity.
PTX 295 (Admitted 12/2)		
PTX 433 (Admitted 12/7)		
PTX 486 (Admitted 12/7)		
PTX 498 (Admitted 12/2)		
PTX 639 (Admitted 12/7)		
PTX 645 (Admitted 12/7)		
PTX 649 (Admitted 12/7)		
PTX 650 (Admitted 12/7)		
PTX 652 (Admitted 12/7)		
PTX 691 (Admitted 12/2)		
<b>Nurlan Nurgabylov</b>		
DTX 83 (admitted 12/1)		
DTX 84	**	
DTX 85 (admitted 12/1)		

Dated: New York, New York  
December 9, 2022

Respectfully submitted,

**BLANK ROME LLP**

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